

### **REMARKS**

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 15-20 and 26-28, the only claims pending and currently under examination in this application.

### **Priority**

It is noted that the above amendments limit the claims to particular species fully disclosed in the priority documents. These amendments have been made solely in order to expedite prosecution of the present application and should in no way be viewed as an agreement by the Applicants with the Examiner's assertion that the claims as originally presented are not entitled to the claimed priority dates. It remains the Applicants' position that the claims as originally presented are also entitled to their priority claim.

### **Oath/Declaration**

The post office address for George Jokhadze is:

3 Comstock Queen Ct  
Mountain View, CA 94043  
USA

### **Compliance with Sequence Listing**

Enclosed with this response please find a substitute copy of the sequence listing in both paper and computer readable form. Above please find an amendment requesting its entry into the present application, in place of all previously filed sequence listings.

I hereby certify that the enclosed substitute Sequence Listing is being submitted under 37 CFR §§ 1.821(c) and (e) in paper and computer readable form (Compact Disk labeled 'CRF').

As required by 37 CFR 1.821(f), I hereby state that the content of the paper and computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e) are the same. The Computer Readable Format (CRF), being

submitted under 37 CFR §§ 1.52(e) and 1.824, is formatted on IBM-PC, the operating system compatibility is MS-Windows and the file listing is:

Sequence listing.txt 13 KB created April 7, 2003.

### **Specification Objections**

With respect to the issue regarding SEQ ID NO:05, this issue is believed to be addressed by the above amendment. With respect to the issue regarding Figure 3, attached please find copies of the previously submitted corrected Figure 3. Nowhere is the phrase "SEQ ID NO:28" present on the pages submitted. Accordingly, it is believed that no correction is actually required in response to this objection. With respect to the title, it is believed that adoption of the Examiner's suggested title overcomes this objection. Finally, it is believed that the above amendment addresses the Examiner's objection to the Abstract.

### **Claim Objections**

It is believed that the above amendments to Claim 15 overcome the objections raised by the Examiner thereto.

### **35 U.S.C. § 112, second paragraph**

The Examiner has rejected Claims 15-20 and 26-28 under 35 U.S.C. § 112, second paragraph for a number of issues. With respect to the issues with Claim 15, these issues are moot in view of the above amendments. With respect to Claim 16, it is believed that, in view of the specification, it is clear that the claimed fusion protein is one where the affinity peptide is fused to either amino or carboxy terminal residue of the fused protein. Accordingly, this rejection may be withdrawn.

### **35 U.S.C. § 102**

Claims 15-19 and 26-28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Chaga et al. As discussed above, the claims are fully entitled to the

claimed priority date of September 25, 1998. Accordingly, the cited Chaga et al. reference does not qualify as prior art to the present application and this rejection may be withdrawn.

Claims 15 and 17-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Sato et al. As discussed above, the claims are fully entitled to the claimed priority date of September 25, 1998. Accordingly, the cited Sato et al. reference does not qualify as prior art to the present application and this rejection may be withdrawn.

Claims 15 and 17-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Giraldo et al. As discussed above, the claims are fully entitled to the claimed priority date of September 25, 1998. Accordingly, the cited Giraldo et al. reference does not qualify as prior art to the present application and this rejection may be withdrawn.

Conclusion

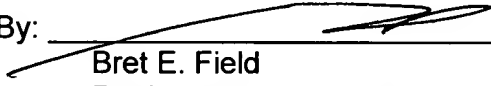
In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 3.3.04

By:   
Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231